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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/906,994	07/17/2001	Josef Hefe	14796	6475
7590 03/24/2004			EXAMINER	
SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza Garden City, NY 11530			LAMB, BRENDA A	
			ART UNIT	PAPER NUMBER
			1734	
DATE MAILED: 03/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

# Office Action Summary

Application No.

091906,994

Applicant(s)

Hefew

Examiner

LAMB

Group Art Unit

1734

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 10/19/2001 and 1/28/2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☒ Claim(s) 7-10 is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
  - ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10/19/2001 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

Office Action Summary

Claims 7-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 7-10 not been further treated on the merits.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how "a backing roll" set forth at lines 1-2 of claim 4 relates to the backing roll set forth in claim 1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al 6,344,238 in view of Hefele 5,759,626.

Schmitt et al teaches a method for producing screened coatings on a flexible sheeting comprising the steps of screen printing a paste forming barrier layer, powdering with a hot-melt adhesive powder and removing the excess powder not adhering to the paste imprint wherein the paste is filled into perforations in a round screening stencil. Schmitt et al fails to teach the knife is arranged at an obtuse angle in contact with outer side of the stencil. However, it would have been obvious to modify the Schmitt et al by substituting its round screening stencil applicator with the Hefele '626 applicator having a knife 6 arranged an obtuse angle in contact with outer side of the stencil 1 and a backing roll for support of the flexible sheeting there between for obvious advantage of enabling one to have greater control of the amount of hot-melt adhesive applied to the flexible web by using two part hot-melt adhesive applicator. With respect to claims 5-6, Hefele '626 teaches outer knife is arranged at an obtuse angle within the scope of the claim and fills the perforations of the stencil. Further, it would have been obvious given the modifications of the Schmitt process as discussed above with Hefele '626 applicator to provide no further inner paste feed for the obvious reason to enable one to apply a greater amount of paste 2 to the flexible web if desired.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al 6,344,238 in view of Hefele 5,569,348.

Schmitt et al is applied for the reasons noted above. Schmitt et al fails to teach screen printing a paste forming barrier layer on the flexible web using an engraved roll.

However, it would have been obvious to modify the Schmitt et al process by substituting its screen printing applicator with that of engraved roll wherein paste is filled by a knife into the recesses of the engraved roll such as taught by Hefele '348 in Figure 3 since Hefele teaches the alternative of screen printing or embossing the web with a barrier layer to that of using round screening stencil such as shown by Schmitt et al (see Hefele '348 – Figure 4 round screening stencil and Figure 3 with engraved roll). With respect to claim 2, Hefele teaches if carrier bands are used then the temperature of backing roller needs to be dropped to room temperature thus providing an unheated rubberized backing roll. Hefele fails to teach in the embodiment as shown in Figure 3 that the engraved roller is heated thereby reading on an unheated engraved roll. Therefore, it would have been obvious given the modifications of the Schmitt et al process with Hefele applicator with unheated rubberized backing roll dependent on whether or not one is using a carrier band. With respect to claim 3, Hefele fails to teach in the embodiment as shown in Figure 3 that the engraved roller is heated thereby reading on an unheated engraved roll. Hefele teaches that the heated backing roll has an adhesive surface.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al 6,344,238 in view of Hefele 4,141,313.

Schmitt et al is applied for the reasons noted above. Schmitt et al fails to teach screen-printing a paste forming barrier layer on the flexible web using an engraved roll. However, it would have been obvious to modify the Schmitt et al process by substituting its screen printing applicator with that of engraved roll wherein paste is filled by a knife

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into the recesses of the engraved roll such as taught by Hefele '313 with backing roll 4 pressing the substrate against the engraved roller 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday Friday with alternate Wednesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lamb/LR  
March 15, 2004

  
BRENDA A. LAMB  
PRIMARY EXAMINER